

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MAURICE JUNIOR HOBSON,

Plaintiff,

vs.

JAMES WURM, et al.,

Defendants.

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Case No. 4:19-cv-02384-SRC

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. On December 30, 2019, the Court directed plaintiff to either pay the full filing fee or submit a motion for leave to proceed in forma pauperis. (Docket No. 4). Plaintiff has failed to respond. Therefore, for the reasons discussed below, this action will be dismissed without prejudice for failure to comply with the Court's order. *See* Fed. R. Civ. P. 41(b).

Discussion

Plaintiff filed this pro se complaint on August 16, 2019. (Docket No. 1). He named James Wurm, Jennifer Joyce, Jennifer Matthew, Nikky Moody, Jason Steinmeyer, Philip Heagney, Thomas Kloeppinger, Don Phillips, and Brock Van Loo as defendants. The Court construed the action as arising under 42 U.S.C. § 1983. On September 30, 2019, plaintiff submitted a certified inmate account statement. (Docket No. 3). However, he did not file a motion to proceed in forma pauperis.

On December 30, 2019, the Court directed plaintiff to either pay the full filing fee or submit a motion for leave to proceed in forma pauperis. (Docket No. 4). To aid plaintiff, the Court directed the Clerk of Court to send to plaintiff a copy of the Court's motion to proceed in forma pauperis

form. Plaintiff was given thirty days in which to comply. The Court advised plaintiff that failure to comply with the order would result in the dismissal of this action without prejudice and without further notice.

More than thirty days have elapsed, and plaintiff has not responded by paying the filing fee, submitting a motion to proceed in forma pauperis, or requesting an extension of time. Under Rule 41(b), an action may be dismissed for failure to comply with a court order. *See* Fed. R. Civ. P. 41(b). *See also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (stating that district court may dismiss a pro se litigant's action for failure to comply with a court order on its own initiative). Because plaintiff has not complied with the Court's order of December 30, 2019, or filed any type of motion seeking an extension of time in which to comply, the Court will dismiss this action without prejudice.

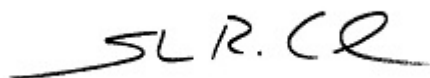
Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice for failure to comply with the Court's order of December 30, 2019. *See* Fed. R. Civ. P. 41(b). A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that dismissal of this action shall not constitute a "strike" under 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that an appeal from this dismissal would not be taken in good faith.

Dated this 10th day of February, 2020.



STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE